

# **EXHIBIT NO. 33**

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

<b>VIVIAN BERT, et al.,</b>	)	<b>CASE NO. C-1-02-467</b>
	)	
<b>Plaintiffs,</b>	)	<b>Judge Sandra S. Beckwith</b>
	)	<b>Magistrate Judge Timothy S. Hogan</b>
	)	
<b>v.</b>	)	
	)	
<b>AK STEEL,</b>	)	
	)	
<b>Defendant.</b>	)	
<hr style="width: 100%; border: 0.5px solid black; margin-top: 5px;"/>		
<b>County of Jefferson</b>	:	
	:	
<b>State of Alabama</b>	:	

**DECLARATION OF EDWIN L. BRADLEY, JR., PH.D.**

I, Edwin L. Bradley, Jr., declare the following to be true and correct:

1. My name is Edwin L. Bradley, Jr. and I am over eighteen (18) years of age. I have previously submitted reports in this case.
  
2. I was asked by counsel for the plaintiffs to analyze the testing component of the hiring process for Laborer positions at the Ashland Works of AK Steel for the period from August 12, 2001 through December 31, 2003 and for the period from September 9, 2001 through December 31, 2003, using the hardcopy documentation of the selection test results for general production worker candidates provided by Resource Associates, Inc. The benchmark for the testing component is the percentage of African-American applicants among those of known race who sat for the test.

3. There were a total of 710 applicants of known race who passed the test during the period from August 12, 2001 through December 31, 2003, of which 15 were African-American. If race were not a factor in the selection process, 3.83% of the successful applicants, or approximately 27 individuals, would have been African-American. There were approximately 12, or 44.9%, fewer African-Americans who passed the test than expected during the period analyzed. This shortfall is statistically significant with  $-3.62$  standard deviations of difference. The adverse impact ratio is 54.2%, which is less than the 80% allowed under the *Uniform Guidelines*.

4. The number of persons of known race who took the test did not change for the period from September 9, 2001 through December 31, 2003. Thus the results for this shorter analysis period are identical to those reported above for the Ashland Works.

5. For the Ashland Works and Middletown Works<sup>1</sup> combined, there were a total of 1,659 applicants of known race who passed the test during the period from August 12, 2001 through December 31, 2003, of which 85 were African-American. If race were not a factor in the selection process, 6.89% of the successful applicants, or approximately 114 individuals, would have been African-American. There were approximately 29, or 25.7%, fewer African-Americans who passed the test than expected during the period analyzed. This shortfall is statistically significant with  $-4.00$  standard deviations of difference. The adverse impact ratio is 72.9%, which is less than the 80% allowed under the *Uniform Guidelines*.

6. For the Ashland Works and Middletown Works combined, there were a total of 1,608 applicants of known race who passed the test during the period from September 9, 2001 through December 31, 2003, of which 78 were African-American. If race were not a factor in the selection process, 6.72% of the successful applicants, or approximately 108 individuals, would have been African-American. There were approximately 30, or 27.8%, fewer African-Americans

who passed the test than expected during the period analyzed. This shortfall is statistically significant with -4.21 standard deviations of difference. The adverse impact ratio is 70.8%, which is less than the 80% allowed under the *Uniform Guidelines*.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this, the 5<sup>th</sup> day of March 2008.

A handwritten signature in cursive script that reads "Edwin L. Bradley, Ph.D.".

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Edwin L. Bradley, Ph.D.

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<sup>1</sup> Results for the Middletown Works alone are provided in my Declaration of December 20, 2005.